

FILED

AUG 15 2013

U.S. BANKRUPTCY COURT
DISTRICT OF MARYLAND
BALTIMORE DIVISION

IN RE: MICHAEL A. MCNEIL

* CASE NO. 12-18903-DER

Debtor

* CHAPTER 7

* Adv. Pro. No. 12-0783-DER

MICHAEL A. MCNEIL

*

Plaintiff

*

v.

*

STEPHAN A. DRAZIN

*

Defendant

*

APPELLANT'S STATEMENT OF ISSUES ON APPEAL**&****DESIGNATION OF THE RECORD**

NOW COMES Michael A. McNeil, the Plaintiff/Debtor pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure (FRBP) hereby identify the issue on appeal of concerning the ORDER GRANTING MOTION TO DISMISS COUNTS TWO AND THREE OF AMENDED COMPLAINT (ECF 28) by Judge Rice which was docketed on July 31, 2013 and designation of the record.

STATEMENT OF ISSUE ON APPEAL

Did the trial court error when it Dismissed counts two and three of the Plaintiff's complaint concerning the dischargability and priority of a debt for failure to state a claim,

since it reasoned that nothing precluded application of the doctrines of res judicata or collateral estoppel at this stage in an adversary proceeding with respect to matters already litigated between these parties in the main bankruptcy where the dischargeability of a debt was determined even though the FRBP Rule 7001 mandates that dischargeability, priority, and extent of a lean of a debt of a debt can only be determined via an adversary proceeding?

DESIGNATION OF THE RECORD

Amended Complaint filed on January 4, 2013 (Document #14)

Order (Generic) filed on January 14, 2013 (Document #18)

Motion to Dismiss Adversary Proceeding filed January 14, 2013 (Document #17)

Opposition filed January 30, 2013 (Document #22)

ORDER GRANTING MOTION TO DISMISS COUNTS TWO AND THREE OF AMENDED
COMPLAINT filed July 31, 2013 (Document #28)

Notice of Appeal filed August 13, 2013 (Document #30)



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of August, 2013 I mailed a copy of the of the aforementioned via First Class, United States Mail, postage fully prepaid to the following:

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